



**REGULAR WORK SESSION MEETING**

**TUESDAY JULY 26, 2022 @ 5:30 PM**

**CHERRYVILLE FIRE DEPARTMENT**

**411 E. CHURCH ST. CHERRYVILLE, N.C. 28021**

The Honorable Mayor H.L. Beam called the meeting to order. Councilmember's Gary Freeman, Malcolm Parker, Jon Abernethy, and Councilmember Jill Puett were present. City Manager Brian Dalton, City Clerk Paige H. Green, City Attorney Palmer Huffstetler Jr., Police Chief Cam Jenks, and Public Works Director Brandon Abernathy, were also present. Michael Powell of the Cherryville Eagle was present for media coverage.

**DISCUSSION OF "NO THRU TRUCKS" SIGN ON MAIN STREET, CITY MANAGER BRIAN DALTON:**

City Manager Brian Dalton explained that there is currently a "NO THRU TRUCKS" sign on Main Street and it is located on W. Main Street. Mr. Dalton also stated that this has not been enforced in the past but with the new infrastructure on Main Street, it will need to be enforced because the width of the lane has decreased from 20 ft. to 12 feet. Mr. Dalton shared that the new curbing and sidewalks will be beautiful when completed and we need to protect them from big trucks.

Mr. Dalton explained that Home Folks has goods delivered in the back alley, and the only business at this time that will be affected will be McGinnis Furniture. Mr. Dalton met with Hubert and Pam McGinnis, owners of McGinnis Furniture, to find a solution and he feels they have another option for their deliveries, and they are looking into that option.

Mr. Dalton shared that McGinnis Furniture will be receiving a delivery in several weeks and he plans to go out and see if the truck can make the left hand turn onto Jacob Street. Mr. Dalton will give an update on this matter.

**DISCUSSION OF REZONING 1407 E. MAIN STREET (GIS PARCEL #215920), PLANNING & ZONING DIRECTOR ALEX BLACKBURN:**

Mr. Dalton shared that Mr. Alpesh Patel filled out an application to rezone 1407 E. Main Street, from B-3 (General Business District) to R-9 (Single and Two-Family Residential). Mr. Alex Blackburn took the application for the rezoning of 1407 E. Main Street, before the planning board on July 18, and they vote unanimously to deny this rezoning. Mr. Dalton explained that this rezoning does not satisfy the requirements for the Future Land Use Plan that was adopted in 2012.

Mr. Dalton shared that this will be on the August 8, agenda for consideration of a public hearing.

**DISCUSSION OF REZONING 109 S. JACOB STREET (GIS PARCEL #129868), PLANING & ZONING DIRECTOR ALEX BLACKBURN:**

Mr. Dalton shared that Ms. Renee Smith filled out an application to rezone 109 S. Jacob Street, from B-1 (Central Business District) to R-0 (Residential Office). Mr. Alex Blackburn presented the application to the planning board on July 18, and the board approved the rezoning. Mr. Dalton explained that this would be on the August 8 agenda for consideration of a public hearing.

**DISCUSSION OF FINAL PLAT RE: J.C. DELLINGER SUBDIVISION, PLANNING & ZONING DIRECTOR ALEX BLACKBURN:**

Mr. Dalton shared that Council has the final plat for of property located off, of J.C. Dellinger Rd. Mr. Dalton explained that in the beginning, the initial plans were to build 33 or 35 homes, but the plans have changed and now the plans show 12 homes. Mr. Dalton explained that the area could have future development as well, but at this time, they will only build 12 homes.

Mr. Dalton shared that this will be on the August 8, agenda for consideration.

**DISCUSSION OF CHERRYVALE REZONING, CITY MANAGER BRIAN DALTON:**

Mr. Dalton shared that Alex Blackburn, Planning & Zoning Director, received a Zoning Map Amendment application on April 20, 2022 from Miles Wright, City’s Engineer, regarding a possible rezoning and annexation request for the Parcels outlined above. A complete application with payment was obtained on May 13, 2022. This request is to change the current zoning of the 161.2 acres residing within the City of Cherryville’s corporate limits. Parcels 203078, a portion of 203074, and 158391, that reside wholly or partially in the Extraterritorial Jurisdiction from the designations of, Rural Residential District (R-40), Single Family Residential R-15, and Single Family Residential R-12 to that of the R-9/Cluster zoning district with the Conditional Zoning attachment for a subdivision 20 units or greater.

Mr. Dalton shared that Robert Johnson, is hoping to utilize the 161.2 acres to provide for 504 single family homes to be accessed by Requa Road. Due to the proposed number of homes, two access points will be required for the subdivision. A petition for voluntary annexation has also been submitted for the two parcels not currently within the City of Cherryville’s Corporate Limits and a portion of a third parcel is included as well.

Applicant:	Carolina Home Co. Inc./ Robert Johnson	
Property Owner(s):	Cherry Vale LLC	
Property Location:	PID # 158390	203081
	158391	203082
	203074	203083
	203075	203084
	203076	203085
	203077	203086

	203078	203087
	203079	203088
	203080	203089
Property Size:		
Current Zoning:	<b>Rural Residential R-40 - 158391</b> <b>Single Family Residential (R-15) – 158390,</b> 203074, <b>Single Family Residential (R-12) – 203075,</b> 203076, 203077, 203078, 203079, 203080, 203081, 203082, 203083, 203084, 203085, 203086, 203087, 203088, 203089	
Proposed Zoning:	<b>R-9/Cluster Development Conditional</b> <b>District</b>	

In the agenda materials, Council also had staff comments, possible conditions to be considered, a list of abutting/adjoining property owners and their comments, a copy of the public hearing notice for rezoning and a copy of the public hearing notice for the annexation of two parcels.

The public hearings will be held on August 8, 2022 at the Community Building at 6:00 pm.

**DISCUSSION OF UTILITY POLICY, CITY MANAGER BRIAN DALTON:**

Mr. Dalton explained that in the past the City of Cherryville’s policy for billing a customer that has been under billed and discovered, is to go two years back. If the City of Cherryville owes a customer for a bill that has been over charged, we owe the customer back two years. Mr. Dalton shared that he posed the question to other city managers in the area and ask for their policies on this matter. Mr. Dalton shared the responses that he received back, and some only go back six month with a refund but do not charge the customer at all.

Mr. Dalton shared that several customers on J.C. Dellinger Rd. have been affected by this policy recently and he wants to make sure that our policy is two years for the city or the customer, and if not we need to amend it moving forward.

After some discussion, Councilmember Abernethy made a motion to correct the customers that were recently discovered, with the wrong rate, with the correct rate as of August 1, 2022. Moving forward we will change our policy that we will not go back and demand payment for any customer that we have charged incorrectly for the past two years, but we will continue to reimburse customers if we have over charged them going back two years. Councilmember Freeman seconded the motion and the vote was unanimous.

**DISCUSSION OF CHERRYVILLE HISTORICAL MUSEUM, CITY MANAGER BRIAN DALTON:**

Mr. Dalton shared that due to some controversy at the Cherryville Historical Museum, the museum will be closed until the board holds their next meeting on August 9.

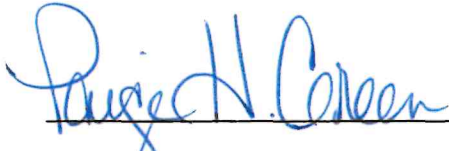
**OTHER BUSINESS:**


Mr. Dalton shared that he has received an email back from Mr. Maxwell with Gaston County, in reference to the proposed list that he sent over for county supported park revitalization funds. Mr. Maxwell will present the list to their committee for consideration.

**ADJOURNMENT:**

Councilmember Abernethy made a motion to adjourn the meeting. Councilmember Parker seconded the motion and the vote was unanimous. The meeting adjourned at 6:15 pm.

Adopted this 8 day of August 2022.

  
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Paige H. Green, CMC, NCCMC, City Clerk

  
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H.L. Beam, Mayor

